

REMARKS

In the Office Action of May 24, 2004, claims 1-19 were again rejected as unpatentable as anticipated by Waller et al. US2001/0051922. The Examiner repeated the comments of December 30, 2005, in determining that the subject matter of the claims is found in Waller. The Examiner also added one additional ground of rejection under 35 U.S.C. 112, paragraph one, based on Applicant's last amendment to further distinguish Waller in reciting that the system control unit performs its various financial functions without needing authorization from a remotely located network host computer. In reply to Applicant's remarks and comments distinguishing Waller, the Examiner responded:

In addition to the Examiner's claim that the newly added amendment consists of new matter, the Examiner also believes that the Waller reference still reads on Applicant's claims. First of all, it is now clear by citation of paragraphs such as [0011] and [0057] that the reference teaches a system control unit and a cash handing device communicating with each other when the system control unit is in the vicinity of the device including a distance of 100 meters or less. There is no indication that the system control unit or cannot be a PDA or cell phone. (Emphasis supplied.)

(Applicants note: There is every indication in the present application that the system control unit is not the PDA or cell phone of Waller.)

Second of all, the first embodiment of Waller's invention, shown in paras. 0008-00014 and cited in the limitations of the above claims, never indicates that authorization from a remotely located device is needed to perform an operation on the cash handling system as a system control unit. (These paras. are general paragraphs to be read in light of the detailed embodiments in Waller.)

Applicant's attorney requested an Interview with the Examiner and an Interview was conducted with Examiner Yun on July 6, 2005. The Examiner is thanked for the courtesy of the Interview.

The result of the Interview is that the Examiner and the Applicant have two very different views of this patent

application and the Waller reference. It is to be noted that the application is in Group 2682 which is classified as radios, whereas normally applications in this subject matter are assigned in Group 3600 in the financial services area.

Applicant emphasized the language in the claims concerning "cash settlement" as the central subject of the application, whereas the Examiner emphasized the word "radio." When the background of financial institutions and cash handling and cash settlement was presented, the Examiner did not indicate any familiarity with that field. He made no comment.

Applicant reiterated that the system control unit of claim 1 is for performing at least one of the operations of:

- 1) accounting for cash dispensing,
- 2) providing for cash settlement, and
- 3) monitoring maintenance information.

The term "system control unit" including the additional recitation of its functions is with respect to the system of machines and is not with respect to the user as in a "user control unit". The present application defines the PDA or a cell phone as an "I/O device," (see para. 0020) and this is the function being performed by the PDA in Waller.

During the Interview, it was discussed that the system control unit language of claim 1 was not met by the handheld PDA (personal digital assistant) in the Waller reference. The PDA performs the function of a TV remote control, so that a user didn't have to use a keyboard on the automatic teller machine (ATM). It is defined in the present specification as an I/O device, it is labeled I/O device in the drawings and it is claimed in claim 5 as an I/O device in addition to the system control unit. It was asked of the Examiner how claim 5 could be rejected over the prior art, since Waller does not show any embodiment with two PDA's, one as a system control unit and one as a I/O device, which would be necessary to find anticipation or obviousness of claim 5.

The Examiner's answers indicated that he had not really reconsidered the prior art rejection of dependent claims 5 and 6 in view of the lack of written description rejection of independent claim 1, from which claims 5 and 6 depend. The Examiner could not have rejected claim 5 on Waller, because it would have required reading two different elements in the claims on a single element in the reference (reading both system control unit and I/O device of claim 5) on the single PDA in Waller.

The Examiner stated that unless the specification stated that the PDA's could only be called "I/O devices" that he could consider the PDA as a system control unit not constrained by how terms are used in the specification, in claim 5 or in the prior art. This is believed to be an error of law. Under the "broadest reasonable interpretation" rule governing interpretation of claims in the USPTO, the Examiner cannot adopt an interpretation of terms in the claims in a manner inconsistent with 1) the specification, 2) the other claims 3) the prior art or 4) the understanding of one of ordinary skill in the art.

The paragraphs in Waller (in brackets) cited in the Office action to support the idea that the PDA performed "accounting for cash dispensing, providing for cash settlement and monitoring maintenance information" don't support those conclusions or mention those functions when the paragraphs are reviewed in detail.

As just one example of many examples in the Office action of this type, the Office Action cites paras. 0009, 00011 and 00014 of Waller for the proposition that Waller provides commands and monitors maintenance information without needing authorization from a remotely located device.

Paragraph 0009 reads:

By virtue of this aspect of the invention an SST is provided that does not require a display or a keypad. The SST is intended to be used by a user having a portable communication device such as a personal digital assistant (PDA) or a cellular telephone. By using the PDA or cellular telephone, the user is providing his/her own user interface. The PDA may be a Psion (trade mark) Series 5 PDA, a 3-Com

(trade mark) Palm IIIx (trade mark) PDA, or such like. The cellular telephone may be a conventional cellular telephone.

(Applicant's note: this basically identifies the device as a PDA or cell phone as an I/O device; it doesn't describe its operations in detail.)

Paragraph 0011 of Waller reads:

The communication port may be accessible using a local wireless technology, such as Bluetooth (trade mark), an IrDA-compliant (Infra-red Data Association) protocol, or such like. This has the advantage that the user must be located in the vicinity of the communication port (and therefore in the vicinity of the terminal) to operate the terminal. Alternatively, the communication port may be accessible using wireless telephony.

(Applicant's note: it is conceded that the PDA communicates via wireless communications. So does the PDA in the present application. But the PDA in the present application is not a system control unit for cash settlement and neither is the PDA in Waller.)

Paragraph 00014 reads:

Preferably, the communication port is operable to transmit transaction information to the user's portable communication device so that the user is provided with feedback about the transaction, such as status information. The information may be in audio form or in text form.

There is no mention in paragraphs 00009, 00011 and 00014 in Waller of cash settlement or monitoring maintenance information. In fact, maintenance is only mentioned in a very general statement in para. 0082. Thus, the language from the claims cited in the Office action as supported by 00009, 00011 and 00014 is not in fact supported by these paragraphs of Waller.

If one refers to the paragraphs mentioned in the Office action regarding Waller, one finds that few of the words presented in the Office action are found in the cited paragraphs of Waller. In its last reply Applicant clearly distinguished Waller from the present invention, once the terms of the claims are properly interpreted. Applicant has also previously pointed out the statements in the Office actions are not supported by the cited paragraphs of Waller.

The Examiner's position was that he had not given effect to the language in the claims other than the language concerning radios and that the phrase regarding "without needing authorization" was not supported by the specification.

The Office Action misreads the units of the claimed invention on the units in the Waller reference. The cell phone or PDA, in fact, compares to neither of Applicant's cash handling device nor Applicant's system control unit except as to its communication of data through wireless communication.

In the last Office action, Claim 1 and claim 13 were amended to recite the operation of the system control unit with the cash handling device without needing authorization from a remotely located network host computer. This was for the purpose of contrasting the system control unit of the present invention with the PDA in Waller which needs a log-on and security password check by the central bank computer (the system control unit in Waller) before allowing further use of the PDA.

In the Office Action, the Examiner objected on two grounds: first that the claimed distinction was not supported by the specification and second, that, in fact, a security authorization was needed according to paragraph 0029 of the Applicant's specification.

In fact, paragraph 0029 shows that security is optional in the present system.

Para. 0029 reads, last sentence of the present application reads as follows:

Security features, including authentication and encryption algorithms, can be used to secure communications between devices.

This only states that security features are available as an option and are not mandatory. Because the network is short range for application in a bank or company, it may be in a physically secure setting, unlike ATM machines which are in the public and require security measures, which tie back to the real system control unit which is the bank host computer.

In Waller, however, security is mandatory to use the PDA as explained in paragraph 0062 and 0063 and 0065 as follows:

[0062] Referring now to FIG. 4, when the transaction program 68 is selected by a user of the PDA 24, the PDA 24 displays a series of screens in a similar way to a conventional ATM display. A typical screen is shown in FIG. 4, which shows various cash withdrawal options. The sequence of screens and the content of each screen may be customized by the user. As the user carries his/her own graphical user interface, no graphical user interface is required on ATM 14a.

[0063] Referring now to FIG. 5, when a user 70 wishes to withdraw cash from ATM 14a, the user 70 approaches the ATM 14a, executes the transaction program 68 (FIG. 3) on his/her PDA 24, and prepares a transaction. The user 70 prepares a transaction by entering his/her PIN using display 58 (FIG. 3) and selecting a button 72 (FIG. 4) representing an amount to be withdrawn, such as twenty pounds. The controller 52 encrypts the prepared transaction using the encryption facility in the transaction program 68.

[0064] (omitted for brevity)

[0065] On receiving the encrypted prepared transaction, the IrDA port 38 conveys the transmission to the processor 30. The processor 30 decrypts the received transaction and sends the received PIN and transaction request to the host 12 (FIG. 1) for authorization. The processor 30 then conveys a message to the PDA 24 informing the user 70 that the request is being authorized.

Applicant has reviewed paragraph [0014] of Waller which the Examiner says discloses the monitoring of maintenance operations without going through this authorization but finds no language to support or even hint at the Examiner's finding. Paragraph 0014 is only a general paragraph which must be read in light of the exact detailed description provided in paragraphs 0062-0065 quoted above.

Applicant believes it is clear from reviewing the specifications of Waller and the present application, that the present application does not require the log-on and authorization sequence of Waller. Applicant could not anticipate the exact language negating this requirement of Waller, because it is surprising to Applicant the Waller reference would be applied. However, the language is supported by what one of ordinary skill in the art would understand the specification as a whole in view of Waller, particularly the description of the embodiments of the present invention in areas of a bank as described in paras. 0002 and 00025.

To limit the scope of this issue as affecting the examination of the other claims over the prior art, Applicant has removed this subject matter from independent claims 1 and 13 and has placed it in a dependent claim 20, which is dependent on claims 1 and 13.

As an item of evidence on the meaning of the term "system control unit" as it relates to "cash settlement," Applicant submits an Information Disclosure Statement with U.S. Pat. No. 5,943,655 entitled "Cash Settlement Machine." This shows a cash settlement machine and refers to a body of prior art on the subject. This is a hardwired cash settlement system of the prior art as discussed in the Background of the Invention in para. 0005.

Based on the new reference and information referenced therein, it should be apparent that the Waller reference has been misapplied to the present application. The "system control unit" language of the claims has been misread on the PDA of Waller. The I/O device recitations and definitions in the present application and in Waller have been ignored.

To recap the distinctions between the claims and the prior art:

Claims 1 and 13 claim a system with 1) a cash handling device and 2) a system control unit for performing at least one of the operations of accounting for cash dispensing by the

cash handling device, providing for cash settlement of transactions carried out by the cash handling device and monitoring maintenance information, said control unit also providing commands to the cash handling device for operation of the cash handling device; and

3) wherein said cash handling device and said system control unit communicate through a wireless communication network operating without intermediate servers and within a range of no more than approximately 100 meters.

Support for the amendment to the description of the system control unit is provided by para. 0023.

Waller shows a system control unit at a central bank that utilizes servers and wired networks and is more than 100 meters away from the ATM machine.

The newly cited reference shows a cash settlement system with a system control unit hardwired through many ports to other devices in the system. One of ordinary skill in the art would not combine the two references because it has been typical to use I/O devices such as cell phones and PDA's for some years and yet none of the art shows incorporation of radio modules in cash settlement machines as claimed herein. PDA's could have been interfaced to a hardwired cash settlement system without converting it to a completely wireless operation with all of its I/O devices. In fact, Waller shows that. Waller added a PDA for the user interface, but the network to the host computer, which controls the ATM's, still uses wires and servers.

Claim 2 more specifically claims the cash handling device as a coin handling device and claim 4 more specifically claims the cash handling device as a note handling device.

Claim 3 adds a note handling device to the coin handling device of claim 2.

Claim 5 adds I/O devices such as the cell phone or PDA of Waller to the subject matter of claims 1, 2, 3, 4. Claim 22 adds this subject matter to claim 13. If the Waller PDA is the I/O device, it cannot also be the system control unit and vice versa.

Claim 6 and 7 add the feature wherein the system control unit is connected on the "back end" to an Internet or other wired network, but that is not be confused with the locally distributed network on the "front end."

With respect to claims 10 and 12 Waller discloses a cell phone, but it does not disclose this subject matter, and the cell phone would not operate as a system control unit for a cash settlement system for the reasons stated above.

Claim 17 has now been amended to recite that the system control unit performs at least one of the operations of accounting for cash dispensing, providing for cash settlement and monitoring maintenance information for a plurality of cash handling devices. Support for this limitation is found in para. 0022 of the specification.

Claim 20 now adds the matter to claims 1 and 13 which distinguishes from the Waller authorization sequence as not being necessary to perform cash handling functions.

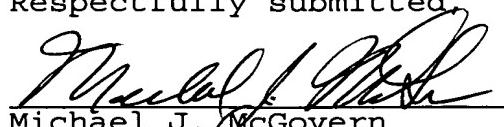
Claim 21 now adds to the claims 1 and 13 that both of the operations of providing for cash settlement and monitoring maintenance information are performed by the system control unit.

CONCLUSION

After the amendment, claims 1-22 are now pending. In view of the amendment and remarks, reconsideration of the patent application is respectfully requested and a Notice of Allowance for claims 1-22 is earnestly solicited.

Respectfully submitted,

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